

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1770.01
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	June 4, 2001
DATE OF REPORT:	July 2, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 10, 2001

COMPLAINT ISSUES:

Whether the Alexandria Community School Corporation and the Anderson Community Special Education Cooperative violated:

511 IAC 7-21-7(c) with regard to the school's alleged failure to include in the student's record a student-specific justification when the transit time for a student with a disability exceeds the transit time of nondisabled student's of comparable age in the same school corporation.

511 IAC 7-21-3(c) with regard to the school's alleged failure to provide the student with an instructional day the same length as for nondisabled students in the same building, unless the case conference committee (CCC) determines the length of the student's instructional day should be different and documents the justification in the CCC Report.

FINDINGS OF FACT:

1. The student is eighteen years old and was determined eligible for special education due to a multiple disability. He received a certificate of completion from school on June 5, 2001, and does not plan to return to school this fall.
2. During the 2000-2001 school year the student was transported to a vocational training program and to home by a private transportation company that was contracted through the school. The director states both disabled and nondisabled students are transported by this transportation company. The parent asserts that on at least two occasions during the 2000-2001 school year the student's transit time exceeded the usual time it would take to transport the student home. The parent does not have any documentation available to support her allegation. The student's IEPs dated May 23, 2000, and March 1, 2001, do not contain information that would indicate the student's transit time would exceed the transit time of nondisabled students of comparable age at the student's school corporation. According to the director, there was no reason to address this issue in the student's IEP, because it was never anticipated that the student's transit time would exceed that of nondisabled students. The director acknowledges that the transportation company has been late in picking up or dropping off students in the past; however, she has no knowledge or records to indicate that the student's transit time has ever exceeded that of nondisabled students of comparable age within the school corporation.
3. The parent alleges that approximately three times per week the student was either late arriving to his vocational training program or late arriving home, because the private transportation company

utilized by the school did not pickup and drop-off the students according to the schedule. According to logs maintained by the transportation company, the student was either picked up or dropped off late to the vocational training program or home on 81 occasions during the 2000-2001 school year. The student did not utilize the services of the transportation company on approximately 30 instructional days during the school year. On 36 of the 81 occasions, the transportation company was late transporting the student by 20 minutes or more. The director acknowledges that on four occasions the parent called the school to express concern about the transportation company's delay in picking up and dropping off the student in a timely manner. In addition, logs from the transportation company reflect that the parent contacted them on several occasions to express concern about the delays in transporting the student to the vocational training program or home in a timely manner. The student's IEPs dated May 23, 2000, and March 1, 2001, reflect that the student's instructional day was to be modified to allow for participation in a vocational training program located at a different site than the student's school. The student's IEPs do not reflect any information to indicate that the student's participation in the vocational training program would be decreased as the result of transportation time.

4. The student's teacher for his vocational training program reports that the student was frequently late to school, because the private transportation company arrived at the building late. The teacher reports the student was 5 to 45 minutes late each time. According to the teacher's written response, the student missed two days of volunteer work and one field trip due to the fact that the transportation company failed to transport the student on time.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the student's transit time did not exceed that of nondisabled students of comparable age in the same school corporation, except for possibly two occasions for which no documentation is available. No justification was required, and no violation of 511 IAC 7-21-7(c) is found.
2. Findings of Fact #3 and #4 indicate the student's participation in the vocational training program was shortened as a result of the transportation company's failure to ensure the student arrived at the program on time. Although the transportation company is a private contractor, the school remains responsible for ensuring the student's transportation does not preclude the full instructional day absent a CCC decision for a shortened day. Therefore, a violation of 511 IAC 7-21-3(c) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Alexandria Community School Corporation and the Anderson Community Special Education Cooperative shall:

1. Send a memorandum to all appropriate school and contractual transportation personnel no later than August 31, 2001, reminding them that students are to be picked up and dropped off on time absent exceptional circumstances that might warrant a delay. The length of the instructional day for a student with a disability cannot be shorter than the instructional day of nondisabled students in the same building based on the transportation schedule. Submit a copy of the memorandum to the Division no later than September 7, 2001, with a listing of all personnel (name and title) to whom the memorandum was sent.
2. Submit an assurance statement to the Division no later than September 7, 2001, ensuring that all

- disabled students will be transported to school, home, and vocational programs in a timely manner and in according to their IEPs. The assurance statement shall be signed by the director.
3. Send a letter to the student no later than August 10, 2001, offering him the option of convening a CCC meeting to determine the need for compensatory services for vocational training as a result of the time lost due to transportation failures. Advise the student that he will need to inform the school no later than August 17, 2001, whether he would like to convene a CCC meeting. The letter to the student shall include the name and telephone number of a contact person and when he/she can be reached. Submit a copy of the letter mailed to the student to the Division no later than September 7, 2001. Should the student wish to convene a CCC meeting, submit to the Division no later than September 7, 2001, a copy of the CCC Report and any revised IEP. The CCC Report shall reflect that compensatory services were considered and shall specify what decisions were made by the CCC.

DATE REPORT COMPLETED: July 2, 2001